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UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

No. 24-1120 (and consolidated cases)

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT  
430 E STREET, NW  
WASHINGTON, DC 20001**

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State of West Virginia, *et al.*,  
*Petitioners*

v.

Environmental Protection Agency, *et al.*,  
*Respondents.*

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Amicus Brief for Review of Final Agency Action of the  
United States Environmental Protection Agency  
89 Fed. Reg. 39,798 (May 9, 2024)

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AMICUS BRIEF

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This entire litigation is based on the EPA's false assertion that carbon dioxide is harmful in some manner to the planet or to those of us living on it.

Permit me to explain that the EPA makes false claims about certain materials to benefit the oil and gas interests at the expense of the American public, at the expense of the coal industry and at the expense of the environment.

In addition, the EPA makes false statements to the Federal Courts to benefit the oil and gas interests at the expense of the American public, knowing that the statements are material and knowing that the statements are false.

I refer this Court to a present litigation in the First Circuit Court of Appeals in Boston, Docket number 23-2078 that came from the Federal District Court in Boston Docket number 23-cv-10548-AK.

In that litigation in which I am the lead plaintiff, we, the plaintiffs, allege that in the 2016 litigation between the EPA and Volkswagen the EPA knew that every diesel car that Volkswagen had sold in the United States was in total compliance with the EPA's regulation. (It is true that Volkswagen was ignorant of its innocence, but that doesn't make them guilty.)

Because Volkswagen was ignorant of its innocence, the EPA, the Department of Justice and Sullivan & Cromwell (allegedly the defense attorneys), all of whom knew that Volkswagen was innocent, colluded to convince Volkswagen to confess to a crime that had never been committed.

The purpose of this malicious prosecution and obstruction of justice was to prevent the sale of diesel cars in the United States because diesel cars deliver 30% more miles per gallon than their gasoline equivalents.

In the documents that have been filed by the EPA, when the EPA was given the opportunity to defend itself in this referenced litigation in the First Circuit of Appeals in Boston, the EPA found itself unable to dispute these allegations of malicious prosecution and obstruction of justice.

In that same litigation in the First Circuit of Appeals in Boston, we, the plaintiffs, allege that the EPA placed sulfur dioxide on its pollutant list in 1969 knowing full well that there was no epidemiological data that could justify their claim. In fact the EPA was aware in 1978 that the 14 years of research published by Professor Herbert Schimmel of the Albert Einstein Medical School in New York City was correct in proving sulfur dioxide to be absolutely harmless.

Yet sulfur dioxide is still on EPA's list of air pollutants. The reason for badmouthing sulfur dioxide and carbon dioxide is to justify using natural gas to produce electricity when coal is so much less expensive and coal emissions are so much cleaner than natural gas emissions.

Coal combustion emits carbon dioxide, sulfur dioxide and water vapor. All of which are harmless.

Let's keep in mind that there are 8 Billion of us humans on this planet and another 8 Billion animals on this planet. The average one of us 16 Billion beings exhales over 100 gallons of carbon dioxide every day and we have been doing this for thousands of years.

Any humans who believe that carbon dioxide is harmful should stop exhaling and should stop drinking carbonated beverages like Coca Cola and Budweiser. The head on a glass of beer is carbon dioxide.

The EPA is not telling the thousands of bottling plants all over the world to stop putting thousands of tons of carbon dioxide in their beverages every day because carbonated beverages don't compete with oil and gas and because carbon dioxide is totally harmless.

Oil and gas's real problem is that the emissions from natural gas to produce electricity are carbon dioxide, water vapor and nitrogen oxides and the nitrogen oxide pollution from the natural gas that produces electricity is the biggest air pollutant in the United States. We in the United States suffer 380 Million tons of nitrogen oxide pollution every year from the natural gas which is used to produce electricity.

On top of the fact that natural gas pollutes the air, it cost twice as much to produce electricity from natural gas than to produce the same quantity of electricity from coal.

By having sulfur dioxide on its pollutant list since 1969 without any justification, the cost of electricity has been doubled since January 1970 in all of those parts of the country that could have used higher sulfur residual fuel or coal. That adds up to dirtier air and close to \$40 Trillion donated to the oil companies without any justification.



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Here again, in the litigation presently in the First Circuit Court of Appeals in Boston referenced above, the EPA was unable to dispute the allegation that there is no epidemiological or environmental justification for having sulfur dioxide on its pollutant list for the last 55 years. Its only purpose was to enrich the oil interests by \$40 Trillion illegally.

Permit me to go back to my original statement. The EPA knowingly makes false claims about certain materials to benefit the oil and gas interests at the expense of the American public, at the expense of the coal industry and at the expense of the environment.

This entire litigation is based on the EPA's false assertion that carbon dioxide is harmful in some manner to the planet or to those of us living on it. Carbon dioxide is totally harmless and the EPA knows it.

Signed:

Joe Robinson 

30 September 2024

TO: Clerk  
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CERTIFICATE OF SERVICE

I affirm that I have sent a copy of this amicus brief to the following two addresses:

United States Attorney General  
950 Pennsylvania Ave., NW  
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and

U.S. Environmental Protection Agency  
and  
Michael S. Regan, Administrator  
U.S. Environmental Protection Agency in his official capacity.  
Ronald Reagan Building, Rm. M1200  
1300 Pennsylvania Ave., NW  
Washington, DC 20460

Signed:

Joe Robinson 

DATE: 30 September 2024

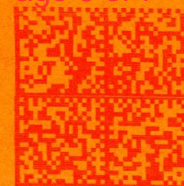


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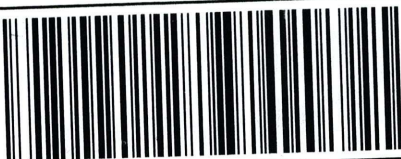
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